

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC M. MISKOVITCH,)
v. Plaintiff,) Civil Action No. 06 - 1410
v.) Chief Judge Donetta W. Ambrose /
v.) Magistrate Judge Lisa Pupo Lenihan
v.)
L.T. HOSTOFFER; L.T. LOWTHER; C.O.)
ROSADO; C.O. HUTCHINSON; C.O. JOHN)
DOE #1; DEPUTY WARDEN STEPHEN J.)
CMAR; WARDEN JOHN R. WALTON;)
COMMISSIONER THOMAS C. CERASO;)
COMMISSIONER PHIL LIGHT; CHAIRMAN)
TOM BALYA; L.T. LUIS LEON; MAJOR)
DONIS; CAPTAIN REESE; WARDEN RAMON)
RUSTIN; C.O. WORRALL; C.O. PERRY)
WRIGHT; C.O. FARRELL; DR. RODRIGUEZ;)
PSYCHIATRIC NURSE "LEROY"; C.O. JOHN)
DOE #2; C.O. JOHN DOE #3; C.O. MAZZOCCA;)
C.O. NORM MARTIN; C.O. CRAWLEY; C.O.)
HANCOCK; C.O. PICCOLA; L.T. MAUST; SGT.)
JOHN DOE #4 (a/k/a the training sergeant); DR.)
PETRAS; C.O. "KEITH"; and)
SUPERINTENDENT DAVID DIGUGLIELMO,)
Defendants.)

ORDER

The above captioned case was received on October 20, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 38), filed on August 17, 2007, recommended that Defendants' Motion to Dismiss (Doc. No. 31) be denied. The parties were advised they were allowed ten (10) days from the date of service to file objections to the report and

recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th day of March, 2008;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. No. 31) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 38) of Magistrate Judge Lenihan, dated August 17, 2007, is adopted as the opinion of the court.

By the Court:


Donetta W. Ambrose
Donetta W. Ambrose
Chief United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Counsel of record.